

Keith A. Raven, Esq. (KR-8086)
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Tel. (212) 759-7466
Attorneys for RITE AID OF NEW YORK, INC.

12 MISC 00055

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RITE AID OF NEW YORK, INC.,

Petitioner(s),

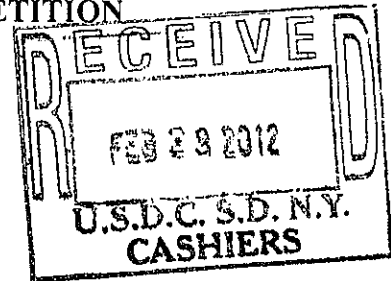
-against-

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Respondent(s).
----- X

: Civil No.:

: **NOTICE OF PETITION**



PLEASE TAKE NOTICE that upon the annexed Certification of Keith A. Raven, dated February 13, 2012, and the exhibits annexed thereto; the accompanying Memorandum of Law; Petitioner, RITE AID OF NEW YORK, INC. will move this Court before the Presiding Judge, at the United States Court House of the Southern District of New York, located at 300 Quarropas Street, White Plains, New York 10601, on **April 3, 2012 at 10:00 am**, for an Order pursuant to Fed. R. Civ. P. 45 (c) (3) to quash the Subpoena Duces Tecum issued by the Respondent, and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the schedule set forth in Local Rule 6.1, opposition briefs, if any, must be served within seven (7) days after the moving papers

are filed by RITE AID OF NEW YORK, INC.

Dated: New York, New York
February 13, 2012

Respectfully submitted,

RAVEN & KOLBE, LLP

By: 

Keith A. Raven (KR-8086)
126 East 56th Street, Suite 202
New York, New York 10022
Tel. (212) 759-7466
Attorneys for Petitioner
RITE AID OF NEW YORK, INC.

TO:

Jennifer A. Carlo, Investigator
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
Six Fountain Plaza
Suite 350
Buffalo, New York 14202

Keith A. Raven, Esq. (KR-8086)
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Tel. (212) 759-7466
Attorneys for RITE AID OF NEW YORK, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
RITE AID OF NEW YORK, INC.,	:	Civil No.:
	:	
Petitioner(s),	:	
	:	
-against-	:	CERTIFICATION OF KEITH RAVEN
	:	IN SUPPORT OF PETITIONER'S
EQUAL EMPLOYMENT OPPORTUNITY	:	<u>MOTION TO QUASH SUBPOENA</u>
COMMISSION,	:	
	:	
Respondent(s).	:	
	:	
-----	X	

KEITH A. RAVEN, ESQ., being duly admitted to practice before the United States District Court, Southern District of New York, and the Courts of the State of New York, affirms, certifies and says the following under penalty of perjury:

1. I am a member of the law firm of RAVEN & KOLBE, LLP, attorneys for Petitioner, RITE AID OF NEW YORK, INC. in this matter, and as such, I am fully familiar with the facts, circumstances and procedural history heretofore had herein.

2. This Certification is respectfully submitted in Support of Petitioner's Motion to quash Respondent's Subpoena Duces Tecum pursuant to Federal Rule of Civil Procedure 45 and for such other and further relief as this Honorable Court deems just and proper.

3. Annexed hereto as **Exhibit "A"** is a true and correct copy of the Subpoena issued by Respondent, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. The instant application requests an Order to Quash this Subpoena.

4. Annexed hereto as **Exhibit "B"** is a true and correct copy the Charge filed by Claimant Christian Corchado with Respondent, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION on June 17, 2008.

5. Annexed hereto as **Exhibit "C"** is a true and correct copy of Petitioner's Position Statement in response to the aforementioned Charge.

6. Annexed hereto as **Exhibit "D"** is a true and correct copy of Respondent's further Request for information dated March 3, 2010 to facilitate its investigation.

7. Annexed hereto as **Exhibit "E"** is a true and correct copy of Petitioner's response to Respondent's further request for information dated March 3, 2010.

7. Annexed hereto as **Exhibit "F"** is a true and accurate copy of the Amended Charge filed by Claimant, Christian Corchado with Respondent, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION on October 28, 2010.

8. Annexed hereto as **Exhibit "G"** is a true and correct copy of Petitioner's Position Statement in response to the aforementioned Amended Charge.

9. Annexed hereto as **Exhibit "H"** is a true and correct copy of Respondent's further Request for information dated April 6, 2011 to facilitate its investigation.

10. Annexed hereto as **Exhibit "I"** is a true and correct copy of Petitioner's objection to Respondent's request dated May 5, 2011.

11. Annexed hereto as **"Exhibit J"** is a true and correct copy of Respondent's response to Petitioner's objections for information requested.

WHEREFORE, by virtue of the reasons set forth herein, as well as in the accompanying Memorandum of Law in Support, it is respectfully submitted that Petitioner RITE AID OF NEW YORK, INC.'s Motion to quash Respondent's Subpoena Duces Tecum be, in all respects, granted. I hereby certify that the foregoing statements made by me are true.

Dated: New York, New York
February 13, 2012

Respectfully submitted,

RAVEN & KOLBE, LLP

By: 

Keith A. Raven (KR-8086)
126 East 56th Street, Suite 202
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Attorneys for Petitioner
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TO:

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